

Water Quality Advisory Group  
September 13, 2000  
IGCN Room 1319

Minutes

Members present: John Fekete, Tom Anderson, Bowden Quinn, John Wilkins, Melanie Darke, Matt Rueff, Bill Beranek and Rae Schnapp.

Audience: Lonnie Brumfield, Mary Ellen Gray, Dennis Clark, Barbara Scott, John Elliott, Doug Bley, Bob Johnston, Kari Simonelic, Neil Parke, Steve Roush, Len Ashack, John Nixon, John Humes, Pat Bennett, Dwight Daily, and Vince Griffin.

Introductions

Mary Ellen: Not prepared to report on recommendation at this time from the 8/30/00 meeting. Need one more meeting on 9/20/00 and will hopefully have recommendation at that time.

Barbara: 9/20/00 in Room 1045 from 10 – 4.

John F.: Neil – revised flow chart.

Neil: Explanation of changes regarding public participation.

John F.: Went through this at workgroup meeting. This was a good effort. Gray boxes are the focus of our attention. Comments?

Bill: Context of permit decision?

Neil: Permit screening process.

Bill: Rulemaking requires input.

John F.: Output from this NPDES fact sheet. Once in fact sheet you are off this page. This is a flow chart of a larger process. Questions?

Bowden: Take me through first process from the start box. Where is public participation?

Neil: Draft permit gets issued.

Bill: Two places where it happens.

Neil: Correct.

Rae: Revised C2 handout?

John F.: Revised C3

Rae: Document C2 – relating to gray box at bottom. No guidance from feds on that. 50% of WQBEL.

Matt: Discussion is about the boxes/numbers. These are the steps to get to anti degradation.

Rae: Might not warrant a discussion of this if it isn't legal.

Steve: Would any increase trigger it? This is an idea of what the triggers would be.

Matt: These are talking points.

John W.: A number other than zero is legal?

Matt: Yes.

Dennis: Current federal guidelines – no guidance for bcc's. We went through and developed a policy for bcc's in GLI. No di minimus in our policy.

Matt: We are talking non bcc's.

John F.: Questions of flow chart?

Tom: Conservative/non-conservative parameters.

John F.: If everyone is comfortable with this for a framework for discussion.

Bowden: Follow flow chart for discussion. Ability to comment on whole document. Need more directed public participation.

Rae: Not comfortable with numbers.

John F.: Intent is not to make that statement. Gray boxes are starting points for discussion. Need to get a written piece on each of these boxes. Can you number the boxes on the flow chart?

John W.: Two avenues for public participation – is that correct? Are we getting out of the scope of the WQAG?

Bowden: Focusing specifically on where public participation should appear regarding anti degradation.

Mary Ellen: Neil's chart relates back to 5 anti degradation issues. They are all talking points about the same thing.

Bill: Bowden's concern if it didn't require an anti degradation demonstration then the public doesn't get to comment until number 3.

John F.: Notice of decision. Another box added under "no" labeled with public participation.

Bowden: I'm comfortable with that.

Bill: This could cover infinite number of parameters. I need to think through the logistics.

John F.: Ask agency to take this as a follow up.

Mary Ellen: We have public participation on the agenda to discuss.

John F.: Need status on each box. Have that for the workgroup meeting. Tom review of "L".

Tom: This is what we understand the anti degradation policy to be.

Neil: Case histories – can they be brought up for discussion next time?

John F.: As you review C3 – also review C2.

Bill: Agenda item next time would be for Neil to go over this with us.

John F.: Next workgroup meeting to discuss then bring to group meeting.

Lonnie: Making this subject for technical group?

John F.: This goes on workgroup agenda.

Rae: Give me a quick description of RPE.

Steve: Description of RPE.

Tom: Kari and I didn't get a chance to go over everything. We are going to have something hopefully by the 28<sup>th</sup>.

Steve: Presentation regarding significant lowering of water quality in Tier II waters. Essentially restate the rule.

Tom: Questions on guidance - M1. Is this the great lakes guidance on anti degradation?

Dennis: This comes out of supplemental information from great lakes guidance.

Tom: There is a discussion of Margin of Safety (MOS) for anti degradation. Need to include that in guidance.

Lonnie: When calculating WQBEL – use 25% - built in 75% MOS.

Tom: If that is already dealt with may make sure people know that.

Bill: Are these two changes clarification of the above information?

Steve: First one is difference – second is clarification.

Matt: Calculated on when it's actually happening.

Steve: Less conservative but more realistic.

Dennis: Total loading capacity is both calculations.

Bill: The first four all apply. The second – at least one applies.

John H.: No criteria – automatically do anti degradation demonstration.

Steve: No – other way around.

Matt: Steve – make sure we've covered agenda items.

Lonnie: Review of comparison of significant lowering di minimum in other states. This all refers to non-bcc's. Everybody uses different terms/definitions.

Bob: Any states that don't have di minimus?

Lonnie: Those we looked at do.

Rae: How choose the states?

Lonnie: They sent us information or we could pull it from the internet.

Matt: Some of these are great lakes states.

Rae: About diamond bullets – if we have concept of significant lowering, doesn't that imply de minimus thresholds.

Dennis: Not much guidance. The question is do we want to consider a di minimus approach? We are not tied to GLI? Is there such a thing as significant lower? If yes, move to the second thing. Some information may come from technical group on this subject.

Bill: Second diamond – we could make a decision now to recommend a di minimus. Good in principle to recommend a di minimus.

John W.: Agree with that. What is the knee-of-the-curve?

Bowden: Should be a di minimus. In Tier II protecting existing water quality. Providing wider buffer for uses, but doesn't protect existing water quality. What I'm interested in is what the water is like right before the point of discharge. Would like to know more about what Minnesota is doing.

Tom: Bowden's handout – was there a discussion?

John F.: Needs more discussion.

Bowden: My handout gets into the thresholds of di minimus.

John F.: Suggesting 1% over existing water quality?

Bowden: Don't know that it would be 1%. If it's not in the water already it should go through the anti degradation process. We should look at how to simplify the anti degradation process.

Bill: Existing water quality downstream?

Bowden: Above discharge.

Bill: New in terms of permit – not a new discharge.

Bowden: Anything that requires a new permit limit should go through anti degradation process.

John H.: The bottom line is yes or no, you get to discharge. Doesn't make sense to go through all this time.

Pat: What is it going to do to the resources of the agency?

Matt: In some cases it can be different. The question is can you have a simplified anti degradation?

Bob: How much ability is there to simplify the process?

Matt: There are several tough policy issues.

Bill: Wide spread for anti degradation.

Steve: Yes.

Bill: This doesn't need to be wide spread. Can we check for this next time? This group can get their arms around what is a bad discharge. We should sketch out some bad discharges.

Bowden: That is not my interpretation of what anti degradation is. The community should decide what is significant. By using one rule for everything will impact everything differently.

John W.: The general public has delegated some of this to the government. There are some issues that should be elevated to the public.

Melanie: We should define what we mean by local level. We should establish guidelines for the state as a whole.

Bob: Want to plan my expansions so I don't trigger anti degradation. The whole planning process is based around staying below the di minimus.

John F.: This has been a good decision. Work with Barbara and Mary Ellen to set agenda for workgroup meeting. Public comments? Workgroup meeting on 9/28/00. WQAG meeting on second Wednesday.

Thank you for your participation.

Adjournment